

Attorney Docket No. 1086.1128

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Masaaki ISHIKIORI, et al.

Application No.: 09/738,285

Group Art Unit: 2122

Confirmation No.: 2128

Filed: December 18, 2000

Examiner: Debra Charles

For: INFORMATION MEDIATING APPARATUS AND METHOD AND STORAGE MEDIUM
STORING INFORMATION MEDIATING PROGRAM THEREIN

RENEWED
REQUEST FOR REFUND TO DEPOSIT ACCOUNT
DUE TO PTO DELAY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

On December 7, 2005, an Office Action was issued in this application. Applicants timely responded to the Action by filing an Amendment After Final Rejection on March 7, 2006. It is submitted that the final rejection was not proper as set for the Petition Requesting Withdrawal of Finality of Final Rejection filed March 7, 2006.

There was no communication received from the United States Patent and Trademark Office by the fully-extended Notice of Appeal due date of June 7, 2006. Thus, Applicants were forced by the USPTO delay to file an RCE (including filing fees of \$790.00, and extension of time fees of \$1020.00) on June 6, 2006 to keep the application alive.

On June 9, 2006, Examiner Vincent Millin telephoned to inquire about receipt of an Interview Summary, of which our offices have yet to receive. The Examiner stated that the "finality" of the December 7, 2005 Action has been withdrawn, and that he would forward a copy of the Interview Summary on Monday, June 12, 2006 stating same.

This communication by the Examiner occurred after it was necessary to file the RCE. This belated communication from the Examiner makes it clear that the filing of the RCE was not necessary.

We hereby renew our request for a refund based on these new facts.

Accordingly, it is respectfully requested, because of the USPTO delay and miscommunication, that these fees in the amount of \$ 1810.00 be refunded to Deposit Account No. 19-3935 and that the Patent Office acknowledge this credit in writing to the undersigned.

Respectfully submitted,

STAAS & HALSEY LLP

Date: June 12, 2006

By: /J. Randall Beckers/
J. Randall Beckers
Registration No. 30,358

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501